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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,014	Applicant(s) NEVILL-MANNING ET AL.	
	Examiner Miranda Le	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment, filed 01/31/2007.

Claims 1-31 are pending in this application. In the Amendment, claims 30-31 have been added, claims 1, 2, 6-29 have been amended. This action is made Final.

2. The objection to claim 17 has been withdrawn in view of the amendment.
3. The rejection of claims 15-28 under 35 U.S.C. §101 has been withdrawn in view of the amendment.

Information Disclosure Statement

4. Applicants' Information Disclosure Statement, filed 01/22/2007, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 8, 10-12, 15, 22, 24-26, 30, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Alonso et al. (US Patent No. 7,092,936).

Alonso anticipated independent claims 1, 11, 15, 25 by the following:

As to claims 1, 15, Alonso teaches a method, comprising:

receiving a search query (*i.e. In step 316, the results generated in step 308, 310 and 312 are presented to the user who input the original query, col. 7, lines 27-38*);

identifying a plurality of item identifiers responsive to the search query (*step 308, 312, Fig. 3; to generate a plurality of recommendations; documents, col. 1, line 55 to col. 2, line 19*);

identifying a first group of item identifiers (*i.e. a plurality of recommendations, col. 2, lines 1-19*) from the plurality of item identifiers, wherein the first group of item identifiers was obtained by a first method (*i.e. performing data mining using users search query logs, user search patterns, and user profile information to generate a plurality of recommendations relating to search query strings, col. 2, lines 1-19; The first tier presents the recommendations for alternative search results generated in step 312, col. 7, lines 27-38*);

identifying a second group of item identifiers (*i.e. documents, col. 1, lines 55-60*) from the plurality of item identifiers, wherein the second group of item identifiers was obtained by a second method (*i.e. performing a search using the expanded query to retrieve documents, and generating themes relating to the retrieved documents, col. 1, lines 55-60; The second tier presents the thematic clusters generated in step 310; The third tier presents the results of the search that was performed using the expanded query in step 308, col. 7, lines 27-38*); and

causing the output (*See Fig. 6*) of at least one item identifiers from the first group (*i.e. RECOMMENDATION, Fig. 6*) and at least one item identifier from the second group (*OTHER*

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PAGES ABOUT; WEB PAGES, Fig. 6), wherein causing the output comprises providing a cue (i.e. RECOMMENDATION, OTHER PAGES, WEB PAGES, Fig. 6) to distinguish between the item identifiers from the first group and the item identifiers from the second group (col. 11, lines 17-57).

As to claims 11, 25, Alonso teaches a method, comprising:

receiving a search query (*i.e. user query, Fig. 3; (i.e. In step 316, the results generated in step 308, 310 and 312 are presented to the user who input the original query, col. 7, lines 27-38);*

identifying a plurality of item identifiers responsive to the search query (*step 308, 312, Fig. 3; to generate a plurality of recommendations; documents, col. 1, line 55 to col. 2, line 19);*

identifying a first group of item identifiers (*i.e. a plurality of recommendations, col. 2, lines 1-19)* from the plurality of item identifiers, wherein the first group of item identifiers has a first degree of certainty (*i.e. performing data mining using users search query logs, user search patterns, and user profile information to generate a plurality of recommendations relating to search query strings, col. 2, lines 1-19);*

identifying a second group of item identifiers (*i.e. documents, col. 1, lines 55-60)* from the plurality of item identifiers, wherein the second group of item identifiers has second degree of certainty (*i.e. performing a search using the expanded query to retrieve documents, and generating themes relating to the retrieved documents, col. 1, lines 55-60); and*

causing the output (*See Fig. 6)* of at least one item identifiers from the first group (*i.e. RECOMMENDATION, Fig. 6)* and at least one item identifier from the second group (*OTHER*

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PAGES, WEB PAGES, Fig. 6), wherein causing the output comprises providing a cue (*i.e. RECOMMENDATION, OTHER PAGES ABOUT; WEB PAGES, Fig. 6)* to distinguish between the item identifiers from the first group and the item identifiers from the second group (*col. 11, lines 17-57*).

As to claims 8, 22, Alonso teaches causing the output of the first group of item identifiers comprises displaying a first list and wherein causing the output of the second group of item identifiers comprises displaying a second list, wherein the first list is visually separated from the second list when displayed (*i.e. RECOMMENDATION, OTHER PAGES ABOUT; WEB PAGES, Fig. 6*).

As to claims 12, 26, Alonso teaches the first degree of certainty is based on at least in part on a method of obtaining the item identifiers in the first group (*i.e. performing data mining using users search query logs, user search patterns, and user profile information to generate a plurality of recommendations relating to search query strings, col. 2, lines 1-19*).

As to claims 10, 24, Alonso teaches identifying a third group of item identifiers from the plurality of item identifiers, wherein the third group of item identifiers was obtained by a third method (*i.e. The third tier presents the results of the search that was performed using the expanded query in step 308, col. 7, lines 27-38*); and

causing the output (*See Fig. 6*) of at least one item identifiers from the third group (*i.e. WEB PAGES, Fig. 6*) comprise providing a cue (*i.e. RECOMMENDATION, OTHER PAGES,*

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WEB PAGES, Fig. 6) to distinguish between the item identifiers from the third group and the item identifiers from the first group and the second group (*col. 7, line 27-39; col. 11, lines 17-57*).

As to claims 30, 31, Alonso teaches the second degree of certainty is based at least in part on a method of obtaining the item identifiers in the second group (i.e. *The second tier presents the thematic clusters generated in step 310; The third tier presents the results of the search that was performed using the expanded query in step 308, col. 7, lines 27-38*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2-7, 9, 13, 14, 16-21, 23, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alonso et al. (US Patent No. 7,092,936), in view of Tomita et al. (US Pub. No. 20040107142).

As per claim 29, Alonso teaches the method, comprising:

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receiving search a query (*i.e. user query, Fig. 3; (i.e. In step 316, the results generated in step 308, 310 and 312 are presented to the user who input the original query, col. 7, lines 27-38);*

identifying a plurality of item identifiers responsive to the search query (*step 308, 312, Fig. 3; to generate a plurality of recommendations; documents, col. 1, line 55 to col. 2, line 19);*

identifying a first group of item identifiers from the plurality of item identifiers (*i.e. performing data mining using users search query logs, user search patterns, and user profile information to generate a plurality of recommendations relating to search query strings, col. 2, lines 1-19; The first tier presents the recommendations for alternative search results generated in step 312, col. 7, lines 27-38);*

identifying a second group of item identifiers from the plurality of item identifiers (*i.e. performing a search using the expanded query to retrieve documents, and generating themes relating to the retrieved documents, col. 1, lines 55-60; The second tier presents the thematic clusters generated in step 310; The third tier presents the results of the search that was performed using the expanded query in step 308, col. 7, lines 27-38); and*

causing the display of at least one item identifier from the first group and at least one item identifier from the second group, wherein causing the display comprises displaying at least one item identifier from the first group of item identifiers in a visually distinct way from the item identifiers from the second group (*See Fig. 6, col. 7, lines 27-38; col. 11, lines 17-57).*

Alonso does not specifically teach the first group of item identifiers was obtained by vendor feeds; the second group of item identifiers was obtained by extraction of item identifiers and associated attributes from shopping documents.

However, Tomita teaches the first group of item identifiers was obtained by vendor feeds (*Fig. 13; store file, [0044]*); the second group of item identifiers was obtained by extraction of item identifiers and associated attributes from shopping documents (*i.e. information relating to the necessary items, being extracted by referring to the commodity file, [0048]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to include the first group of item identifiers was obtained by vendor feeds; the second group of item identifiers was obtained by extraction of item identifiers and associated attributes from shopping documents as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of providing some conveniences for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop, which handles those through the Internet, for example, as a representative example of the computer networks as taught by Tomita ([0001]).

As to claims 2, 16, Alonso does not explicitly teach the first method comprises receiving item identifier information from vendor feeds.

Tomita teaches the first method comprises receiving item identifier information from vendor feeds (*Fig. 13; store file, [0044]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to

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include the first method comprises receiving item identifier information from vendor feeds as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of having provided convenience for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop, which handles those through the Internet, for example, as a representative example of the computer networks as taught by Tomita ([0001]).

As to claims 3, 17, Alonso does not expressly teach the second method comprised extraction of item identifiers and associated attributes from shopping documents.

Tomita teaches the second method comprised extraction of item identifiers and associated attributes from shopping documents (*i.e. information relating to the necessary items, being extracted by referring to the commodity file, [0048]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to include the second method comprised extraction of item identifiers and associated attributes from shopping documents as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of having provided convenience for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop,

which handles those through the Internet, for example, as a representative example of the computer networks as taught by Tomita ([0001]).

As to claims 4, 18, Tomita teaches the extraction is performed at least in part by a template-based extraction method (*i.e. information relating to the necessary items, being extracted by referring to the commodity file, [0048]*).

As to claims 5, 19, Tomita teaches the extraction as based at least in part on the search query (*i.e. Into the items of the above-mentioned class or group of product, as an example, so-called "household electric appliance" is inputted for, such as a washing machine, a refrigerator, a room air-conditioner, etc., "information apparatus" for a personal computer and the peripheral apparatuses thereof, or "game" for a game player and game software therefore, [0042]*).

As to claims 6, 20, Tomita teaches the second method comprises extraction of item identifiers and associated attributes from shopping documents (*i.e. information relating to the necessary items, being extracted by referring to the commodity file, [0048]*).

As to claims 7, 21, Tomita teaches causing the output comprises displaying the item identifiers from the first group in a visually distinct way from the item identifiers from the second group (*i.e. FIG. 13 is a view of showing an example of a screen for displaying a list of recommendable goods, which is used in the above-mentioned order receipt processes; FIG. 14 is*

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a view of showing an example of a display screen including a video information containing an outlooks of the goods or commodity, which is used in the above-mentioned order receipt processes, [0024-0025]).

As to claims 9, 23, Alonso does not specifically teach causing the output of the first group of item identifiers comprises displaying a first grid and wherein causing the output of the second group of item identifiers comprises displaying a second grid, wherein the first grid is visually separated from the second grid when displayed.

Tomita teaches causing the output of the first group of item identifiers comprises displaying a first grid and wherein causing the output of the second group of item identifiers comprises displaying a second grid, wherein the first grid is visually separated from the second grid when displayed (*i.e. FIG. 13 is a view of showing an example of a screen for displaying a list of recommendable goods, which is used in the above-mentioned order receipt processes; FIG. 14 is a view of showing an example of a display screen including a video information containing an outlooks of the goods or commodity, which is used in the above-mentioned order receipt processes, [0024-0025]).*

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to include causing the output of the first group of item identifiers comprises displaying a first grid and wherein causing the output of the second group of item identifiers comprises displaying a second grid, wherein the first grid is visually separated from the second grid when displayed as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of having provided convenience for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop, which handles those through the Internet, for example, as a representative example of the computer networks as taught by *Tomita* ([0001]).

As to claims 13, 27, Alonso does not explicitly teach obtaining the item identifiers in the first group comprises receiving item identifier information from vendor feeds.

Tomita teaches obtaining the item identifiers in the first group comprises receiving item identifier information from vendor feeds (*Fig. 13; store file, [0044]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to include obtaining the item identifiers in the first group comprises receiving item identifier information from vendor feeds as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of having provided convenience for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop, which handles those through the Internet, for example, as a representative example of the computer networks as taught by *Tomita* ([0001]).

As to claims 14, 28, Alonso does not expressly teach obtaining the item identifiers in the second group comprised extraction of item identifiers and associated attributes from shopping documents.

Tomita teaches obtaining the item identifiers in the second group comprised extraction of item identifiers and associated attributes from shopping documents (*i.e. information relating to the necessary items, being extracted by referring to the commodity file, [0048]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Alonso and Tomita at the time the invention was made to modify the system of Alonso to include obtaining the item identifiers in the second group comprised extraction of item identifiers and associated attributes from shopping documents as taught by Tomita.

One of ordinary skill in the art would be motivated to make this combination in order to search a plurality of stores from the goods/store information in view of Tomita ([0008]), as doing so would give the added benefit of having provided convenience for a customer, in which to a customer who wishes to buy consumer goods or commodity is introduced a store or a shop, which handles those through the Internet, for example, as a representative example of the computer networks as taught by Tomita ([0001]).

Response to Arguments

9. Applicant's arguments regarding claims 1, 2, 6-29 have been amended to clarify the invention have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Miranda Le
April 12, 2007


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100